

Some Trends on Current Developments in International Space Law

Nataliia Malysheva

Doctor of Law, Professor, Academician of the National Academy
of Legal Sciences of Ukraine, Koretsky State and Law Institute of the National Academy
of Sciences of Ukraine (Kyiv, Ukraine)
E-mail: nataliia_malysheva@ukr.net
<https://orcid.org/0000-0001-6630-227X>

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This article examines the contemporary evolution of international space law (ISL), identifying key trends that characterize its current state and future trajectory. It argues that, following a highly productive formative period in the 1960s–1970s marked by the adoption of five core UN treaties, ISL has entered a prolonged phase of stagnation at the universal level. Despite continuous deliberations within the UN Committee on the Peaceful Uses of Outer Space (COPUOS), no new binding international instruments have been adopted for decades, due in part to the consensus-based decision-making procedure, which increasingly acts as a structural constraint on normative development.

In response to this regulatory gap, alternative mechanisms have emerged. The article highlights three interrelated trends shaping modern ISL: the expansion of “soft law,” the substitution of international regulation by fragmented national legal regimes in areas requiring universal governance, and the emergence of plurilateral (“club-based”) models of cooperation, such as the Artemis Accords and parallel initiatives. The increasing reliance on national legislation is thus not merely a reflection of state activity, but a compensatory and potentially problematic shift, whereby states unilaterally regulate matters that, by their nature, demand coordinated international legal solutions.

Particular attention is paid to unresolved issues such as the delimitation of outer space, the legal regime of space resources, and space debris mitigation, which expose the limitations of the existing framework. The article concludes that the current multi-layered and decentralized regulatory system risks undermining legal certainty and coherence in space governance. It advocates for a renewed commitment to the progressive development of ISL through binding international norms, potentially in the form of an additional protocol to the Outer Space Treaty, alongside a reconsideration of decision-making procedures within relevant international institutions.

Keywords: international space law; regulatory stagnation; consensus principle; soft law; regulatory substitution; national space legislation; fragmentation of legal regimes; space governance; space resources; space debris; delimitation of outer space; plurilateral cooperation.

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Introduction

International Space Law (ISL), as one of the youngest branches of public international law, began to take shape in the 1960s and 1970s, in parallel with the dawn of the space age in human history. At that time, space activities were effectively concentrated within two powers – the USSR and the United States, which possessed comparable scientific and technical capabilities and were engaged in intense competition for access to outer space. At the same time, neither had guarantees of strategic supremacy, which objectively led to an interest in establishing universal rules of conduct in this new environment.

Recognition of the need for legal regulation of the exploration and use of outer space contributed to the fact that the basic principles of international legal regulation of space activities were developed in a relatively short historical period – in fact, over the course of twelve years, moreover, the first space related treaty was drawn up also less than ten years after the launch of the earth's first artificial satellite (Cheng, 1997). The body of regulations formed during this time was characterized by conceptual balance and a focus on establishing fundamental principles designed to prevent the dominance of any state, regardless of its level of technological development (Kopal, 2011). An important role in this process was played by the practice of reaching consensus within the United Nations, which, although not originally enshrined in its founding documents, had already become the leading procedural approach to decision-making in the UN Organizations, particularly in the field of space activities. The use of consensus helped ensure that the interests of a wide range of states were taken into account, including developing countries, which were viewed as potential beneficiaries of the results of space exploration and future participants in space activities. Thus, five universal international treaties on outer space were adopted, forming the basis of the modern international space legal order.

As a reminder, these include:

- the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) (The Treaty, 1967), which established the fundamental principles of space law, including the freedom to explore outer space, the prohibition of national appropriation of outer space, and its use exclusively for peaceful purposes;
- Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space (Rescue Agreement), (Agreement, 1968), which specified provisions regarding the provision of assistance to astronauts as “messengers of humanity”;
- Convention on International Liability for Damage Caused by Space Objects (Liability Convention), (Convention, 1972), which established a special regime of international legal liability of states for damage caused by space objects;
- The Convention on Registration of Objects Launched into Outer Space (Registration Convention), (Convention, 1975), aimed at ensuring transparency in space activities through an international registration mechanism;
- The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement), (Agreement, 1979), which contains provisions regarding the legal regime of natural resources of celestial bodies, although it has not gained widespread recognition among leading spacefaring nations.

During this initial, most successful period of the “first generation” of the ISL formation (Gorove et al., 1986), its regulatory framework was established, and its fundamental principles

and institutions were enshrined; these continue to play a regulatory role even today, despite significant changes in the nature and participants of space activities.

From the early 1980s, no universally binding international instrument has been adopted in the field of space activities. Instead, during the 1980s and 1990s, there was active development of “soft law” instruments in specific areas of space activities: international direct television broadcasting (Principles, 1982), remote sensing of the Earth (Principles, 1986), and the use of nuclear power sources (Principles, 1992). This period is generally considered to mark the formation of the second generation of the ISL. Some scholars believe that a profound crisis in the development of IHL had already begun during this period (Jakhu, 2009; Hobe, 2009: 351-359). I consider such an assessment somewhat premature in terms of timing. Although the relevant “soft law” sources that were taking shape at that time are not legally binding by nature and do not establish strict requirements, they should not be underestimated. They nevertheless have regulatory significance, as they provide states with clear guidelines and recommendations regarding their activities in the development and application of space technologies (Marboe, 2012). Moreover, they have certain advantages over treaty instruments, namely: their universal nature (they are addressed to all subjects of the international space law community, not just its participants); they do not require signature or ratification; in general, the procedure for their adoption is significantly simpler and more flexible than the corresponding procedure for adopting or amending international treaties.

A real deep crisis in the development of the ISL appears to have begun in the 21st century. For more than a quarter of century, no significant event has occurred that could be characterized as its progressive development. At the UN level, a series of General Assembly resolutions have been adopted that contain virtually no regulatory provisions. They can rather be classified as acts interpreting the existing norms of international treaties and guiding states toward the development of their own space legislation and the improvement of its application. These include, in particular, the following UN General Assembly Resolutions: “Application of the concept of the “Launching State,” (2004), “Recommendations on enhancing the practices of States and International Intergovernmental organizations in registering space objects,” (2007), “Recommendations on national legislation relevant to the peaceful exploration and use of Outer Space”.

The development of ISL over the past 30 years can thus be characterized as stagnation. This is particularly evident in the activities of the UN COPUOS, especially its Legal Subcommittee. Here, certain issues crucial for the further development of ISL have been discussed without significant progress for decades: they are carried over from one session’s agenda to the next, numerous working groups are established, questionnaires are sent to member states, and national experiences are compiled. However, no substantial results that could serve as a foundation for the progressive development of ISL have been observed. Thus, some “soft law” instruments adopted during the 1980s and 1990s were established as temporary measures, serving as guidelines for further revision until the establishment of an international binding instrument in the relevant field. In some cases, this was explicitly stated in the texts of these documents themselves and later confirmed in UN General Assembly resolutions. This includes, in particular, Principle 11 of the Principles Concerning the Use of Nuclear Power Sources in Outer Space, which establishes the need for the Committee on the Peaceful Uses of Outer Space to review the relevant Rules no later than two years after their adoption (Principles, 1992). However, despite the fact that the item “Review and possible revision of Principles Governing the Use of Nuclear Power Sources in Outer Space” remained on the agenda of the Legal Subcommittee until 2020, and calls for the development of a binding instrument in this

area were made throughout this period (A/AC. 105/942, 2010, para. 81; A/AC 105/1045, 2013 paras. 99, 100, 102), no substantial progress was ever made on this issue. The only tangible outcome of years of discussions on this issue in both UNCOPUOS subcommittees was the development by the Scientific and Technical Subcommittee, in collaboration with the IAEA, in May 2009 of a technical document titled “Safety Framework for Nuclear Power Source Applications in Outer Space.” (Safety, 2009) However, as explicitly stated in this Framework, it “does not supplement, alter or interpret any of those principles (Principles, 1992). This document is not legally binding. According to Gob Escolar, Reynders, and Summerer, “... even though the NPS Safety framework is not legally binding, it might well turn out to be de facto as effective. In addition, the legally non-binding technical provisions as contained in the NPS Safety framework could under certain conditions gain legal significance and force, by either evolving into customary international law, should it be possible to establish the required State practice and opinion *iris*, or ultimately by the adoption of explicit treaty law based on the NPS Safety Framework. Such legally binding international standards are still missing and, despite the calls for implementing the NPS Principles and/or NPS Safety Framework into a hard law instrument, no such efforts are currently being undertaken” (Cologne, 2015). It should be noted that this issue remained on the LSC agenda until 2020, after which it was moved to the item “General exchange of information on non-legally binding United Nations instruments on outer space” (International, 2025). However, no progress toward the elaboration of a binding instrument in this area has been observed.

Another, perhaps the most striking example of stagnation in the work of the Legal Subcommittee is the issue of the definition and delimitation of outer space, which warrants closer examination. This issue was raised in the COPUOS Legal Subcommittee as early as during the drafting of the first generation of space treaties, that is, in 1959, but was postponed due to a lack of common understanding among member states. The true starting point for consideration of this issue should be considered 1983, when, pursuant to UN General Assembly Resolution 38/80 “International Cooperation in the Peaceful Uses of Outer Space” (International, 1983), a working group was established within UN COPUOS and its subcommittees. The working group was established to develop a clear definition of outer space, which is considered essential for managing activities beyond Earth’s atmosphere, particularly in light of the increasingly intensive use of outer space for various purposes, including communications, navigation, and scientific research. The main positions of member states center on two approaches: spatial and functional.

States that adhere to the functional approach view outer space and airspace from a legal perspective as a single supraterrrestrial space that does not require delimitation. They view activities above the Earth not in terms of the altitude at which they are carried out, but in terms of their nature and function. They believe that establishing boundaries is impossible and unnecessary, as it would complicate existing activities and hinder scientific progress in the exploration of outer space.

States that support the spatial approach including Ukraine (A/AC.105/1112/Add.11, 2022) draw attention to the fundamental differences in the legal regimes governing outer space and airspace and their implications, particularly the need to define spatial boundaries and the applicability of the principle of freedom of exploration of outer space, on the one hand, and the principle of state sovereignty over their national airspace, on the other. Among the main arguments of these states is the difference in the legal regimes of air and space law, since Article II of the Outer Space Treaty provides that outer space is not subject to national appropriation, while Article 1 of the Convention on International Civil Aviation (Convention, 1944) provides for the full sovereignty of states over the airspace located above their territory.

Over the past few decades, various proposals in support of one approach or another to the delimitation of airspace and outer space have been formally put forward in the Legal Subcommittee. Among these proposals were demarcations based, for example, on establishing an upper limit to national sovereignty; on dividing the atmosphere into layers; the theory of navigable airspace was put forward, i.e., the maximum flight altitude of aircraft based on the aerodynamic characteristics of aircraft, the so-called “von Kármán line”; on the lowest perigee of an orbital satellite; on the Earth’s gravitational effects; on the possibilities for effective control; on the division of space into zones; and several others.

In recent years, some states have begun to advocate a third position – the need to combine the two approaches and establish a combined spatial-functional regime that would, on the one hand, define the upper boundary of airspace and the lower boundary of outer space, and, on the other hand, would establish international norms regulating the passage of space objects through airspace – including that of foreign states – during their launch and reentry to Earth, provided that such space activities are peaceful in nature, conducted in accordance with international law, and respect the sovereign interests of the relevant states.

The absence of international legal regulation of this issue leads some states to resort to national regulation by establishing a clear boundary of national airspace in their national laws. Most states have, in this regard, established a lower boundary of outer space that does not exceed the lowest perigee of an artificial Earth satellite, i.e., 100 ± 10 km above sea level (see, for example, the recent Act on Space Activities of the Slovak Republic, which entered into force on February 1, 2025, defines outer space in Section 2(3) as “the space located at an altitude of more than 100 km above sea level,” “Outer space means the space exceeding 100 km above sea level” (Slovak, 2024). However, there are also states whose definitions of outer space in national legislation are based on the use of other criteria, ranging from the establishment of a relatively low altitude above mean sea level to encompass airspace designated for aviation, to delimitations at very high altitudes that exceed even some of the most important near-Earth orbits. At the same time, the vertical spatial boundary of state sovereignty, where established at the national level, is generally determined with due regard to local and national interests and often differs in both nature and spatial scope. Such national practices of States are continuously summarized by the relevant working group, and numerous summaries are issued on this basis (A/AC.105/C.2/L.302, 2017). However, even today, after more than 40 years, a consensus has not been reached, and the issue remains on the agenda of the Legal Subcommittee.

The trend of substituting the regulation of relations belonging to the international legal level with fragmented national regulation is not merely harmful but also dangerous, as it creates legal conflicts, particularly in determining the subjects of liability, given that ISL provides for specific features of the exercise of international legal responsibility depending on the location (space) where damage is caused by a space object: airspace or outer space. The lack of clear legal certainty in this matter will increasingly have a negative impact on the development of suborbital space activities as well.

Total stagnation in the development of international space law is evident in virtually all areas of space activity regulation. Moreover, this trend is intensifying against the backdrop of ever-new challenges facing the international community in the 21st century. In recent decades, space activities have undergone a qualitative transformation linked to their commercialization, the growing number of actors – including private entities – the intensified use of near-Earth space, the gradual transition toward the practical exploitation of celestial bodies’ resources, and trends toward the militarization of space. A significant portion of these issues could not realistically be addressed by the foundational international treaties of the 1960s and 1970s, which were

formulated under fundamentally different technological and political conditions. As a result, an increasing number of states are adopting their own space legislation, which reflects the specifics of their domestic space policy, the focus of development on a particular segment, and the overall state of the country's space activities. This results in national legislations incorporating unique models for the formulation and implementation of universal space law norms that should be subject to international legal regulation. Such processes occur, in particular, in the regulation of space debris mitigation and space environmental safety standards, given that gaps in the international legal framework arise here, in particular, due to the absence of a clear, universal legal mechanism for the national registration of space objects, which complicates procedures for notification, consultation, and liability in the event of a collision threat, as well as the possible removal from orbit of an object that has become space debris, the regulation of the disposal of objects after missions, and so on. In light of this, for example, Chinese legislation on the prevention of space debris (Chinese, 2019) has established its own rules regarding space debris, which in certain respects contradict the Guidelines on Space Debris Minimization, developed under the auspices of the Inter-Agency Space Debris Coordination Committee and the United Nations Committee on the Peaceful Uses of Outer Space, thereby interfering in relations of a global nature that require coordinated efforts within international frameworks. Regulatory competition also arises among jurisdictions regarding export controls on space technologies (in particular, the scope of entities involved in technology transfers, the definition of "sensitive" technologies, and dual-use technologies). Some spacefaring nations are establishing their own rules in areas such as liability, registration of space objects, cybersecurity (Duggal, 2017), and other issues that ideally should be harmonized through international treaties to ensure fair and mutually beneficial management of outer space.

In recent years, national legislation has become particularly focused on regulating the use of space resources. For example, the U.S. Commercial Space Launch Competitiveness Act (Commercial, 2015) allows U.S. citizens and companies to extract and own space resources, including asteroids. And on April 6, 2020, U.S. President Donald Trump signed the executive order "Encouraging International Support for the Recovery and Use of Space Resources" (Encouraging, 2020), which encourages such extraction by private companies. The Luxembourg Space Law (Luxembourg, 2017) permits private individuals to own and exploit space resources. Japan's Act No. 83 of 2021 on the Promotion of Business Activities for the Exploration and Development of Space Resources (Act, 2021) is also aimed at encouraging private-sector participation in the exploration and development of space resources. Legislation in the United Arab Emirates is moving in the same direction, where Federal Decree-Law No. 46 of 2023 (UAE, 2023) was first adopted, subsequently expanded upon by UAE Cabinet Resolution No. 19 of 2023 (Aldabousi, 2025). It is clear that these issues cannot be resolved at the national level but require a unified approach based on international legal regulations.

Within the framework of the same "compensatory" regulation (in the absence of internationally legally binding instruments), there is a further development of "soft law," whose instruments are adopted largely under the auspices of the UN (Marboe, 2012). In addition, specialized institutions are emerging at the international, regional (particularly European), and subregional levels. The forms of such instruments are diversifying. These are no longer just declarations or resolutions, but also codes of conduct, guidelines, best practices, communications, platforms, policy guidelines, and so on. The priorities of space law regulation are shifting; the focus is gradually shifting toward ensuring the safety of space activities. "Soft" space law is currently being developed within the UN Committee on the Peaceful Uses of Outer Space (COPUOS), as well as within the Inter-Agency Space Debris Coordination Committee,

the International Organization for Standardization, the UN Disarmament Commission, the Conference on Disarmament, the Committee on Space Research (COSPAR), and several others. In recent years, these bodies have been developing non-binding regulations on the following issues: ensuring transparency and building confidence in space activities (A/RES/68/50, 2013); preventing the creation of space debris (Space, 2002); the long-term sustainability of space activities (Guidelines, 2021); the prevention and management of emergencies (GA Resolution 61/110, 2006); prevention of an arms race in outer space (Prevention, 2020), responsible conduct in space (A/RES/76/231, 2021), and several others.

According to Stefan Hobe, “soft law” instruments, while flexible and politically acceptable, cannot fully replace binding international obligations in areas involving significant risks and shared interests (Hobe, 2019: 91).

Finally, the third trend in the contemporary development of ISL is the emergence of plurilateral regulatory models, which also arise outside the universal mechanisms of the UN and are based on cooperation among a limited group of states united by common political and technological interests (let us call this “club-based” regulation). The phenomenon of concluding agreements among a limited group of states is not in itself anomalous in international law; it is established practice, provided that such agreements do not claim to establish a new universal legal regime for the entire international community. The problem arises when such mechanisms effectively begin to serve as a substitute for universal international legal regulation.

The most telling examples of this trend are, once again, contemporary initiatives in the field of space resource exploitation. These initiatives are structured around two alternative models. First and foremost, there are the Artemis Accords (The Artemis, 2020), initiated by NASA and signed by eight states at the level of space agency heads on October 13, 2020, with Ukraine becoming the ninth signatory to the Accords (Ukraine, 2020); as of the end of January 2026, 61 countries are signatories to the Artemis Accords (The Artemis, 2026).

In parallel, an alternative model of cooperation is taking shape within the framework of Russian-Chinese initiatives to establish an international lunar research station, based on the Memorandum of Understanding on Cooperation in the Construction of the International Lunar Research Station, signed by the China National Space Administration and the Russian State Corporation for Space Activities “Roscosmos” on March 9, 2021 (International, 2021a). Thirteen states have joined this project, and seven more are in the process of acceding (International, 2021 b). Within the framework of these two parallel initiatives, there is currently no consensus regarding the vision for the legal regime governing the commercial exploitation of space resources or the interpretation, in this context, of the basic provisions of the Outer Space Treaty, particularly Article II: “Outer space, including the Moon and other celestial bodies, shall not be subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means” (The Treaty, 1967), which lacks direct regulation of the legal regime governing the use of space resources. Is this an obstacle to their extraction on a commercial basis, or can all issues related to such extraction be resolved at the level of national legislation? The discussion continues both at the doctrinal level (Deplano, 2023; Atkins et al., 2022; Capurso, 2018), as well as for nearly 10 years within the Legal Subcommittee of COPUOS, where this issue is considered a standing item on the agenda and is being addressed by a working group established specifically for this purpose.

Without going into the details of the relevant discussions and debates (this issue is fully covered in the literature, particularly in relation to the Artemis Accords, and has also been addressed by the author of this article (Malysheva, 2021), and the relevant research is presented in this edition (Boamah, 2025)), we will focus on the formal legal aspects of

concluding such agreements. Neither the Artemis Accords nor the ILRS can be considered international treaties in the strict sense. These are memoranda of understanding that do not contain specific obligations but merely establish the fundamental principles of future projects. Based on these memoranda, diversified bilateral international treaties are concluded between the “core” participant and each of the partners, defining the framework and scope of their cooperation. Each of these bilateral treaties has its own specific features. Under the Artemis Accords, in particular, each treaty is concluded between NASA and the authorized agencies of the partner states. At the same time, these treaties are not symmetrical between NASA and the other contracting parties. The bilateral aspects of program participation detail the organizational, technical, and institutional frameworks for cooperation, the allocation of resources in accordance with the parties’ contributions, and the role and responsibilities of each party regarding the design and implementation of the program. NASA serves as the backbone in establishing these relationships between the parties. All other partners act as secondary actors, whose rights, obligations, and responsibilities depend on the primary actor, which in a certain way undermines the general concept of international treaties, in particular the principle of equality of the parties.

It should be noted that this practice of concluding international agreements on space activities is not new in the context of international cooperation on the exploration and use of outer space for peaceful purposes. The first large-scale space project in which this framework was applied was the International Space Station (ISS) project, the establishment and operations of which are governed by two bodies of international law:

- 1) the norms of general international law and international space law developed under the auspices of the United Nations;
- 2) the norms of special treaty law and “soft law” established on a multilateral or bilateral basis by the parties to the ISS Agreement. In addition, each party to the ISS Agreement may enter into contractual relationships with third parties that do not participate directly in the Agreement but are interested in its activities or the use of its results. As noted in (The Artemis, 2020), this approach emphasizes international coordination and a more centralized management model, with a reduced role for private entities and a more cautious approach to the commercialization of resources.

An analysis of the formation and implementation of the international legal frameworks governing projects such as the ISS (Malysheva, 2012) or Artemis reveals a number of distinctive features or new legal phenomena that do not fully correspond to classical models of international treaty relations. These features indicate that both the form and content of international cooperation are becoming increasingly flexible and, in their development, are moving away from established legal doctrine, yielding to factors of pragmatism and expediency from the perspective of the interests that member states of a particular “club” seek to achieve.

In other words, this leads not only to the stagnation of universal treaty-based regulation, but also to the simultaneous emergence of new regulatory levels operating outside its scope, thereby forming alternative centers of space law-making that constitute a complex, multi-layered, and potentially conflicting system. As emphasized in (Jakhu & Pelton, 2017: 112–118), the current development of space activities is increasingly shaped by competition between various models of legal regulation that are emerging outside of universal mechanisms.

Due to rapid change and dynamic expansion, the governance system originally constructed under the framework of the five UN space treaties may require revisions and updates to effectively address current challenges (Atkin et al., 2022).

Given the above, it should be noted that the current stage of development in international space law is characterized by a combination of three interrelated trends: the expansion of the scope of “soft law,” the growing role of national regulation, and the emergence of “club” (plurilateral) models of cooperation among states. Taken together, these trends indicate a departure from the universal treaty-based model that formed the foundation of the “first generation” of international space law. Such an evolution, despite its certain functional expediency, does not ensure an adequate level of legal certainty and unity of the legal regime of outer space, especially in areas affecting the common interests of the international community. In this regard, there is an objective need to return to the idea of the progressive development of international space law based on legally binding international norms. Such development cannot be considered sufficient to ensure effective legal regulation of space activities, particularly in areas affecting the common interests of the international community. In this context, a return to the idea of the progressive development of international space law through the elaboration of legally binding international norms on key issues of contemporary space activities appears justified.

This idea is not new; back in the 2000s, the UN COPUOS Legal Subcommittee discussed the development of a comprehensive convention on space law, modeled after the United Nations Convention on the Law of the Sea (Convention, 1982), which would cover all issues currently addressed by the five main UN space treaties, while also bringing within the scope of regulation a range of issues that have arisen for the global community over the past half-century. This proposal did not achieve consensus and was subsequently withdrawn from consideration. However, the objective need for a systematic update of the international legal framework governing space activities remains relevant. I consider the development of new international legal norms, which could be adopted as an additional protocol to the Outer Space Treaty, to be a more realistic approach under current conditions.

In this context, it is important to note the key institutional obstacle to such progress, which remains the practice of consensus-based decision-making within the UN Committee on the Peaceful Uses of Outer Space. Although this approach played an important role during the formative period of international space law, ensuring that the interests of all states were taken into account, in the current context it is increasingly becoming a factor that blocks the adoption of necessary decisions. The continued insistence on the exclusivity of the consensus procedure creates the risk of deepening the stagnation of international space law (Malysheva, 2015: 72–78). This necessitates a review of decision-making approaches within the relevant international institutions or the search for alternative mechanisms to ensure their effectiveness.

Conclusions

In light of the discussion in this article, it seems appropriate to identify the key drivers for the further development of the international legal framework governing space activities:

1. *Defining the scope of relations that require priority international legal regulation at the universal level.*

These include, first and foremost: issues related to the use of space resources, the prevention of space debris, ensuring the safety of space activities, the definition of the boundaries of outer space, the legal regime for suborbital flights, and several others. It is precisely these areas that, by their very nature, cannot be effectively regulated at the national or regional levels.

2. The gradual development of legally binding international norms based on existing “soft law” instruments.

In the current context, a significant portion of “soft law” norms can be viewed not as an alternative, but as a preparatory stage for the subsequent codification of relevant norms in the form of international treaties. This approach will allow for combining the flexibility of non-binding mechanisms with the need to ensure legal certainty.

3. Ensuring coherence between national and international legal frameworks.

The development of national space legislation must take into account states’ international legal obligations and the principles of international space law. It is also advisable to develop international standards for harmonizing national legislation in key areas of space activities.

4. Defining the limits of “club” regulation.

The conclusion of agreements among a limited group of states is a legitimate instrument of international cooperation, provided that such agreements do not claim to establish universal norms and do not supersede generally binding international legal regulations. At the same time, it is necessary to ensure their compliance with the fundamental principles of international space law.

5. Revision of decision-making procedures within international institutions, such as the UN COPUOS.

The practice of consensus, which played a positive role during the formative stage of international space law, is increasingly becoming a factor that hinders its development in the current context. It is therefore advisable to consider the possibility of modifying this practice or introducing alternative decision-making procedures that would ensure a balance between taking into account the interests of states and the need for effective rule-making.

In conclusion, the further development of international space law needs to be based on a combination of the flexibility of new regulatory approaches with the restoration of the role of universal international legal regulation as a key instrument for ensuring stability, predictability, and fairness in the use of outer space.

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